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09/620,484	07/20/2000	Robert Carlquist Smith	99-317	3095

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EXAMINER

RYMAN, DANIEL J

ART UNIT

PAPER NUMBER

2665

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/620,484	Applicant(s) SMITH, ROBERT CARLQUIST	
	Examiner Daniel J. Ryman	Art Unit 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7,8,10,11,13-20,25 and 27-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,8,10,11,13-20,25 and 27-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/7/2005 have been fully considered but they are not persuasive. Applicant argues that Curry does not expressly disclose "storing the calling party telephone number in memory within the computer to obtain a stored calling party telephone number." Examiner, respectfully, disagrees.
2. Curry teaches sending, from a calling party, a call request that includes the calling party telephone number (col. 5, lines 12-15). Since the call request originates from the calling party, it is implicit that the calling party phone stores its own telephone number in order to formulate the call request, which contains its own telephone number.
3. Given the above argument, Examiner maintains the rejection of claims 1, 2, 4, 5, 7, 8, 10, 11, 13-20, 25, and 27-37.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 5, 7, 8, 10, 11, 13, 25, and 27-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattaway et al (USPN 6,275,490) in view of Curry et al. (USPN 6,078,582).
6. Regarding claims 1, 7, 13, 25, and 30, Mattaway discloses a method of and system for making a telephone call using an electronic document through a computer having a user

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interface, comprising the steps of and means for: receiving an electronic document that includes data representing at least one telephone number (col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 10, line 15); selecting, by way of the user interface, a telephone number from a location in the electronic document (col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 10, line 15); retrieving data, associated with the location, from the electronic document, wherein the data comprises the telephone number in a format usable for setting up a call (col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 10, line 15); and signaling, via a packet-switched network, a telecommunication system to connect a call between the telephone number and a calling party telephone number using the retrieved data (col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; col. 9, line 61-col. 10, line 15; and col. 10, line 45-col. 11, line 16).

Mattaway does not expressly disclose receiving a calling party telephone number; storing the calling party telephone number in local memory within the computer to obtain a locally stored calling party telephone number; and using the locally stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number. However, Mattaway does disclose receiving a calling party address; storing the calling party address in memory within the computer proximate the user interface to obtain a stored calling address; and using the calling party address to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number (col. 7, lines 32-37; col. 7, lines 46-49; col. 7, lines 54-57; and col. 8, lines 49-52). Mattaway also discloses using telephone numbers for addressing clients (col. 9, lines 36-39). Curry teaches, in a telecommunications system,

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storing the calling party telephone number in memory within the computer proximate the user interface to obtain a stored calling party telephone number (col. 5, lines 12-15) where it is implicit that a phone needs to store its own telephone number in order to formulate a call request containing its own telephone number; and using the stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number (col. 5, lines 12-15) where it is implicit that this is done in order to allow a phone to set-up a call using a telephone network (col. 5, lines 12-15). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive a calling party telephone number; to store the calling party telephone number in local memory within the computer to obtain a locally stored calling party telephone number; and to use the locally stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number in order to allow a phone to set-up a call using a telephone network.

7. Regarding claims 2 and 8, Mattaway in view of Curry discloses that the call is connected across a circuit-switched network (Mattaway: col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; col. 9, line 61-col. 10, line 15; and col. 10, line 45-col. 11, line 16).

8. Regarding claims 4 and 10, Mattaway in view of Curry discloses that the selecting includes: selecting the telephone number from the electronic document via a mouse (Mattaway: ref. 157; col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; col. 9, line 61-col. 10, line 15; and col. 10, line 45-col. 11, line 16).

9. Regarding claims 5 and 11, Mattaway in view of Curry discloses that the electronic document comprises at least one of an e-mail, a word processing file and a web page (Mattaway:

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col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; col. 9, line 61-col. 10, line 15; and col. 10, line 45-col. 11, line 16).

10. Regarding claim 27, Mattaway implicitly discloses a method of formatting an electronic document through a computer having a user interface, comprising: receiving characters for placement in an electronic document (col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; col. 9, line 61-col. 10, line 15; and col. 10, line 45-col. 11, line 16); analyzing the received characters to determine if any of the characters form a telephone number (col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; col. 9, line 61-col. 10, line 15; and col. 10, line 45-col. 11, line 16); identifying, by way of the user interface, a location of the characters determined to form the telephone number in the electronic document (col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; col. 9, line 61-col. 10, line 15; and col. 10, line 45-col. 11, line 16); and associating data, including the telephone number in a format usable for setting up a telephone call, with the location of the characters determined to comprise the telephone number (col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; col. 9, line 61-col. 10, line 15; and col. 10, line 45-col. 11, line 16).

Mattaway does not expressly disclose receiving a calling party telephone number; storing the calling party telephone number in local memory within the computer to obtain a locally stored calling party telephone number; and using the locally stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number. However, Mattaway does disclose receiving a calling party address; storing the calling party address in memory within the computer proximate the user interface to obtain a stored calling address; and using the calling party address to connect all calls from the calling party, subsequent to attempting the call, to any

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telephone number including the selected telephone number (col. 7, lines 32-37; col. 7, lines 46-49; col. 7, lines 54-57; and col. 8, lines 49-52). Mattaway also discloses using telephone numbers for addressing clients (col. 9, lines 36-39). Curry teaches, in a telecommunications system, storing the calling party telephone number in memory within the computer proximate the user interface to obtain a stored calling party telephone number (col. 5, lines 12-15) where it is implicit that a phone needs to store its own telephone number in order to formulate a call request containing its own telephone number; and using the stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number (col. 5, lines 12-15) where it is implicit that this is done in order to allow a phone to set-up a call using a telephone network (col. 5, lines 12-15). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive a calling party telephone number; to store the calling party telephone number in local memory within the computer to obtain a locally stored calling party telephone number; and to use the locally stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number in order to allow a phone to set-up a call using a telephone network.

11. Regarding claims 28 and 36, Mattaway in view of Curry does not expressly disclose bolding and underlining the characters determined to comprise a telephone number; however, Mattaway in view of Curry does disclose that the characters are an HTML tag (Mattaway: col. 9, lines 53-60). Examiner takes official notice that it is well known to bold and underline the characters in an HTML tag in order to distinguish the HTML tag from normal text. It would have been obvious to one of ordinary skill in the art at the time of the invention to bold and underline

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the characters determined to comprise a telephone number in order to distinguish the characters from normal text.

12. Regarding claims 29 and 37, Mattaway in view of Curry does not expressly disclose portraying the characters determined to comprise a telephone number in a different color than other surrounding characters; however, Mattaway in view of Curry does disclose that the characters are an HTML tag (Mattaway: col. 9, lines 53-60). Examiner takes official notice that it is well known to portray the characters determined to comprise an HTML tag in a different color in order to distinguish the HTML tag from normal text. It would have been obvious to one of ordinary skill in the art at the time of the invention to portray the characters determined to comprise a telephone number in a different color than other surrounding characters in order to distinguish the characters of the telephone number from normal text.

13. Regarding claim 31, Mattaway in view of Curry does not expressly disclose that the electronic document comprises an e-mail; however, Mattaway in view of Curry does disclose that the addresses are HTML tags (Mattaway: col. 9, lines 53-60). Examiner takes official notice that it is well known to use HTML tags in e-mails in order to extend the benefits of HTML tags to other types of electronic documents. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the electronic document comprise an e-mail in order to allow the benefits of the call establishment method to extend to e-mails.

14. Regarding claim 32, Mattaway in view of Curry does not expressly disclose that the electronic document comprises a word processing file; however, Mattaway in view of Curry does disclose that the addresses are HTML tags (Mattaway: col. 9, lines 53-60). Examiner takes official notice that it is well known to use HTML tags in word processing files in order to extend

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the benefits of HTML tags to other types of electronic documents. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the electronic document comprise a word processing file in order to allow the benefits of the call establishment method to extend to word processing files.

15. Regarding claim 33, Mattaway in view of Curry discloses that the electronic document comprises a web page (Mattaway: col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; col. 9, line 61-col. 10, line 15; and col. 10, line 45-col. 11, line 16).

16. Regarding claim 34, Mattaway in view of Curry discloses that the remote device, responsive to receipt of the message, signals a telecommunication system to set up a call between the telephone number and the calling party telephone number (Mattaway: col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; col. 9, line 61-col. 10, line 15; and col. 10, line 45-col. 11, line 16).

17. Regarding claim 35, Mattaway in view of Curry discloses that characters corresponding to the telephone number are associated with the location in the electronic document (Mattaway: col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 10, line 15).

18. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mattaway et al (USPN 6,275,490) in view of Curry et al. (USPN 6,078,582) in further view of Wiener et al (USPN 6,324,264).

19. Regarding claims 14, 17, and 20, Mattaway discloses a method of and system for making a telephone call using an electronic document, the method comprising the steps of and the system comprising means for: receiving, at a computer, having a user interface, an electronic document that includes data representing a telephone number (col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 10, line 15); selecting, by way of the user interface, a telephone

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number from the electronic document (col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 10, line 15); retrieving data, based on the selection, from the electronic document, wherein the data comprises the telephone number in a format usable for setting up a telephone call (col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 10, line 15).

Mattaway does not expressly disclose receiving a calling party telephone number; storing the calling party telephone number in local memory within the computer to obtain a locally stored calling party telephone number; and using the locally stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number. However, Mattaway does disclose receiving a calling party address; storing the calling party address in memory within the computer proximate the user interface to obtain a stored calling address; and using the calling party address to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number (col. 7, lines 32-37; col. 7, lines 46-49; col. 7, lines 54-57; and col. 8, lines 49-52). Mattaway also discloses using telephone numbers for addressing clients (col. 9, lines 36-39). Curry teaches, in a telecommunications system, storing the calling party telephone number in memory within the computer proximate the user interface to obtain a stored calling party telephone number (col. 5, lines 12-15) where it is implicit that a phone needs to store its own telephone number in order to formulate a call request containing its own telephone number; and using the stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number (col. 5, lines 12-15) where it is implicit that this is done in order to allow a phone to set-up a call using a telephone network (col. 5, lines 12-15).

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Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive a calling party telephone number; to store the calling party telephone number in local memory within the computer to obtain a locally stored calling party telephone number; and to use the locally stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number in order to allow a phone to set-up a call using a telephone network.

Mattaway in view of Curry does not expressly disclose connecting, if the computer includes a packetized telephone, a packet-switched call to a first telephone associated with the telephone number; and connecting, if the computer does not include a packetized telephone, a circuit-switched call between the first telephone and a second telephone associated with a calling party using the retrieved data; however, Mattaway in view of Curry does disclose that the call can be connected either over a packet-switched network or a circuit switched network where a gateway is used to make the connection over the circuit-switched network (Mattaway: col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; col. 9, line 61-col. 10, line 15; and col. 10, line 45-col. 11, line 16). Examiner notes that Mattaway in view of Curry assumes that every computer contains Internet phone capabilities. Wiener teaches, in a system for establishing a communication call, connecting, if the computer includes a packetized telephone, a packet-switched call to a first telephone associated with the telephone number; and connecting, if the computer does not include a packetized telephone, a circuit-switched call between the first telephone and a second telephone associated with a calling party using the retrieved data (col. 5, line 3-col. 6, line 22 and col. 9, line 46-col. 11, line 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to connect, if the computer includes a

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packetized telephone, a packet-switched call to a first telephone associated with the telephone number; and to connect, if the computer does not include a packetized telephone, a circuit-switched call between the first telephone and a second telephone associated with a calling party using the retrieved data in order to allow for the situation in which the calling party does not have Internet phone capabilities.

20. Regarding claims 15 and 18, Mattaway in view of Curry in further view of Wiener discloses that the selecting includes: selecting the telephone number from the electronic document via a mouse (Mattaway: ref. 157; col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; col. 9, line 61-col. 10, line 15; and col. 10, line 45-col. 11, line 16).

21. Regarding claims 16 and 19, Mattaway in view of Curry in further view of Wiener discloses that the electronic document comprises at least one of an e-mail, a word processing file or a web page (Mattaway: col. 3, lines 27-44; col. 3, line 47-col. 4, line 15; and col. 9, line 61-col. 10, line 15).

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Narain et al (USPN 6,535,506) see entire document which pertains to establishing communications based on hypertext calling received from a packet network.

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 7:00-4:30 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Drz
Daniel J. Ryman
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